

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA**

**Dakota Access, LLC
Dakota Access Pipeline Project
Siting Application**

CASE NO. PU-14-842

Affidavit of Joey Mahmoud in Support of the Request for Pipeline Route Deviation and Application of Dakota Access, LLC, for an Amended Corridor Certificate and Route Permit, and the Application for Waiver or Reduction of Procedures and Time Schedules

STATE OF TEXAS)
) ss.
COUNTY OF HARRIS)

Joey Mahmoud, being first duly sworn upon oath, states and alleges as follows:

1. That I submit this affidavit in support of the Request for Pipeline Route Deviation and Consolidated Application for an Amended Certificate of Corridor Compatibility and Route Permit and the Application for Waiver or Reduction of Procedures and Time Schedules, filed by Dakota Access, LLC (“Dakota Access”) in the above-captioned matter.

2. That I am employed as the Vice President of Engineering for Dakota Access for the Dakota Access Pipeline Project (the “Project”).

3. That on January 20, 2016, the North Dakota Public Service Commission (“Commission”) issued its Order granting Dakota Access a Certificate of Corridor Compatibility and Route Permit for the Project (“Order”).

4. That Dakota Access requests the Commission approve modifications of the approved Project route and corridor in Mountrail, Williams, McKenzie, and Dunn Counties, North Dakota. Both the approved and proposed modified route and corridor are depicted on the maps attached hereto as Exhibit A. Exhibit A-1 depicts the requested modifications in

Mountrail County. **Exhibit A-2** depicts the requested modifications in Williams County. **Exhibit A-3** depicts the requested modifications in McKenzie County. **Exhibit A-4** depicts the requested modifications in Dunn County.

5. That Dakota Access is requesting the proposed route and corridor modifications for three primary reasons. First, in finalizing easement negotiations with landowners, Dakota Access made several modifications to the proposed pipeline route in order to accommodate landowner requests. These landowner concerns related to protecting drainage features in active crop areas, land use potential, and minimizing the pipeline footprint by following property lines in lieu of bisecting properties. Second, environmental protection adjustments were made by Dakota Access. Specifically, the environmental route adjustments may avoid wet areas or areas containing cultural resources, providing more efficient installation and minimizing time-dependent impacts. Third, Dakota Access took into consideration constructability modifications that may generally provide for more efficient installation and may ultimately minimize long term impacts to landowners' property. The constructability adjustments may improve installation efficiencies required by design and crossing techniques such as horizontal directional drilling.

6. That the owners of the property to be crossed by the modified route have approved the proposed modifications. Dakota Access has one hundred percent agreement from all landowners on the routing of the pipeline. Attached hereto as **Exhibit B** is a list of all landowners affected by the route modifications.

7. That a Class II and Class III cultural resources inventory has been completed for the proposed modified route and corridor. Letters from the North Dakota State Historic Preservation Office, all dated February 19, 2016, concurring with the findings set forth in the inventory, as well as approving the Preliminary Results of the Proposed Evaluative Testing for

Eligible Sites, the Evaluation and Mitigation Plan for Cultural Resources, and the Unanticipated Discoveries Plan, are attached hereto as **Exhibit C**. The review of the inventory and associated documents by the State Historic Preservation Office took into account all of the proposed route and corridor adjustments, as explained in the Summary of the Cultural Resources Analysis Completed for Reroute Locations from Dakota Access attached hereto as **Exhibit D**.

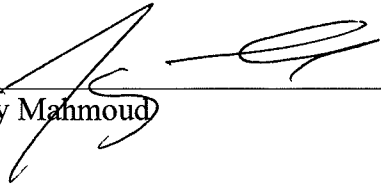
8. That botany, wetland, and wildlife surveys have been completed for the proposed route and corridor modifications. A Summary of the Environmental/Exclusion and Avoidance Areas Analysis Completed for Reroute Locations prepared by Dakota Access discussing the various environmental reviews performed is attached hereto as **Exhibit E**. Also attached hereto as **Exhibit F** is a document setting forth the findings of the environmental crossing analysis for the reroute locations in table format.

9. That the exact length of each reroute outside of the designated corridor is also set forth in the environmental crossing analysis table attached. *See* **Exhibit F**.

10. That no exclusion or avoidance areas, as set forth in Sections 69-06-08-02(1) and (2) of the North Dakota Administrative Code, will be affected by the proposed corridor and route modifications. *See* **Exhibit E**. A table setting forth the exclusion and avoidance criteria analysis performed for the reroute locations is attached hereto as **Exhibit G**.

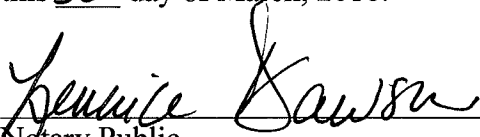
11. That Dakota Access will comply with the Commission's orders, laws, and rules designating the corridor and designating the route for any amendments to the corridor and route as requested.

FURTHER AFFIANT SAYETH NOT.



Joey Mahmoud

Subscribed and sworn to before me
this 30 day of March, 2016.



Notary Public

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